COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2022, Legislative Day No. 14

Bill No. 71-22

Introduced by Ms. Rodvien, Chair
(by request of the County Executive)

By the County Council, July 5, 2022

Introduced and first read on July 5, 2022
Public Hearing set for and held on September 6, 2022
Public Hearing on AMENDED bill set for and held on September 19, 2022
Bill Expires October 8, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

AN ORDINANCE concerning: Zoning – Critical Area Overlay – Growth Allocation

FOR the purpose of modifying the critical area growth allocation process; removing the
growth allocation application acceptance schedule; limiting growth allocation requests
to nonresidential uses or nonresidential zoning districts; modifying the criteria for
rescission of growth allocation; making the effective date of this Ordinance contingent
on the approval of the Maryland Critical Area Commission; and generally relating to
zoning.

By repealing: § 18-13-402(c)
Anne Arundel County Code (2005, as amended)

BY repealing and reenacting, with amendments: §§ 18-13-401; 18-13-402(a); and
18-13-405(2)
Anne Arundel County Code (2005, as amended)

SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland,
That § 18-13-402(c) of the Anne Arundel County Code (2005, as amended) is hereby
repealed.

SECTION 2. And be it further enacted, That Section(s) of the Anne Arundel County
Code (2005, as amended) read as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law. [[Brackets]] indicate matter repealed from existing law.
Captions and taglines in bold in this bill are catchwords and are not law.
Underlining indicates matter added to bill by amendment.
Strikeover indicates matter removed from bill by amendment.
ARTICLE 18. ZONING

TITLE 13. CRITICAL AREA OVERLAY


(A) Process. There is a growth allocation process in the critical area that allows land classified as RCA or LDA to be reclassified to LDA or IDA. All growth allocation requests and reviews shall be in compliance with the requirements of COMAR, Title 27.

(B) IDA; minimum area. IDA SHALL BE LOCATED IN AN AREA OF AT LEAST 20 ACRES, EXCEPT AS PROVIDED IN SUBSECTION (C).

(C) Same; exceptions. IDA MAY BE LOCATED IN AN AREA OF LESS THAN 20 ACRES IF THE IDA DESIGNATION WOULD:

(i) (1) ALLOW FOR THE REDEVELOPMENT OF AN EXISTING COMMERCIAL USE IN COMPLIANCE WITH CURRENT STORMWATER MANAGEMENT REQUIREMENTS;

(ii) (2) ALLOW FOR LAND USE CONSISTENT WITH THE COUNTY’S GENERAL DEVELOPMENT PLAN; AND

(iii) (3) SUPPORT THE ESTABLISHED CHARACTER OF THE COMMUNITY, PROVIDE FOR SUITABLE INFILL DEVELOPMENT, AND PROVIDE FOR THE PRESERVATION OF EXISTING COMMUNITY ASSETS.

18-13-402. Sites eligible for growth allocation.

(a) Required characteristics. Requests for growth allocation are limited to existing or proposed [[commercially used]] NONRESIDENTIAL USES or [[zoned property]] ZONING DISTRICTS.


Approval of a growth allocation is rescinded by operation of law if:

(2) when subdivision is not required, [[a building permit is not issued]] ACTION TO COMMENCE THE DEVELOPMENT HAS NOT BEGUN within one year of the date of approval by the County Council or Critical Area Commission, whichever is later, and the [[certificate of occupancy is not issued]] REQUIRED PERMITS ARE NOT COMPLETED within three years of the date of approval by the County Council or Critical Area Commission, whichever is later.

SECTION 3. And be it further enacted, That this Ordinance shall take effect 45 days from the date it becomes law, or upon approval of the Maryland Critical Area Commission under the authority granted by § 8-1801 et. seq. of the Natural Resources Article of the State Code, whichever is later. If approved, in whole or in part, after the 45 days, the approved provisions of this Ordinance shall take effect on the date the notice of approval is received by the Office of Planning and Zoning. If disapproved, in whole or in part, the disapproved portions of this Ordinance shall be null and void without the necessity of further action by the County Council. The Office of Planning and Zoning, within five days
after receiving any notice from the Maryland Critical Area Commission, shall forward a
copy to the Administrative Officer to the County Council.

AMENDMENTS ADOPTED: September 6, 2022

READ AND PASSED this 19th day of September, 2022

By Order:

Laura Corby
Administrative Officer

PRESENTED to the County Executive for his approval this 20th day of September, 2022

Laura Corby
Administrative Officer

APPROVED AND ENACTED this 26th day of September, 2022

Stuart Pittman
County Executive

EFFECTIVE DATE: January 5, 2023*

* See Section 3 of the bill

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 71-22 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.

Laura Corby
Administrative Officer